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November 18, 2024

By ECF

The Honorable Judge Netburn, U.S.M.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: *Norris v. Goldner, et al.*, 19-cv-5491 (PAE)(SN)

Dear Judge Netburn:

Our firm represents the defendants in the above-referenced action. I have just received a phone call from my client and understand that there was some confusion about appearances today. Enclosed for the Court's review is an email reflecting my inquiries regarding today's appearance, and Ms. Shaw's response, on which I relied with respect to today's hearing.

We thank the Court for its review and consideration of this matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "EML", with a stylized flourish extending from the end.

Eleanor M. Lackman

Encl.

cc: All counsel of record (Via ECF)

From: [Lackman, Eleanor](#)
To: "Diljah Shaw"; "Heather Kyles"; "McGuinness, Christie R."; "Kathryn Lunn"
Cc: "Gerard Fox"; "Perdomo Klukosky, Francelina M."
Subject: RE: Norris v. Goldner, et al.
Date: Monday, November 18, 2024 1:04:50 PM
Attachments: [image002.png](#)

Many thanks. I very much appreciate it. Whatever the Court sets for briefing, I will make work.

Respectfully,



Eleanor M. Lackman (she/her) | Partner
Co-Chair, Intellectual Property Group

T: 212.878.4890 | eml@msk.com

Mitchell Silberberg & Knupp LLP | www.msk.com

437 Madison Ave., 25th Floor, New York, NY 10022

2049 Century Park East, 18th Floor, Los Angeles, CA 90067

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From: Diljah Shaw <Diljah_Shaw@nysd.uscourts.gov>
Sent: Monday, November 18, 2024 1:01 PM
To: Lackman, Eleanor <eml@msk.com>; Heather Kyles <hkyles@gerardfoxlaw.com>; McGuinness, Christie R. <christie.mcguinness@saul.com>; Kathryn Lunn <klunn@gerardfoxlaw.com>
Cc: Gerard Fox <gfox@gerardfoxlaw.com>; Perdomo Klukosky, Francelina M. <Francelina.PerdomoKlukosky@saul.com>
Subject: [EXTERNAL] RE: Norris v. Goldner, et al.

Hello,

You do not need to cancel your prior engagement. The Court will set deadlines for any motion on which you are responsible.

Thank you,

Diljah Shaw
Courtroom Deputy to the Hon. Sarah Netburn
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Office: 212-805-4540

diljah_shaw@nysd.uscourts.gov

From: Lackman, Eleanor <eml@msk.com>

Sent: Monday, November 18, 2024 12:20 PM

To: Diljah Shaw <Diljah_Shaw@nysd.uscourts.gov>; Heather Kyles <hkyles@gerardfoxlaw.com>; McGuinness, Christie R. <christie.mcguinness@saull.com>; Kathryn Lunn <klunn@gerardfoxlaw.com>

Cc: Gerard Fox <gfox@gerardfoxlaw.com>; Perdomo Klukosky, Francelina M. <Francelina.PerdomoKlukosky@saull.com>

Subject: RE: Norris v. Goldner, et al.

CAUTION - EXTERNAL:

Dear Ms. Shaw,

I have seen the order just posted. As I read the October 29 order, counsel who would be signing onto a settlement should appear. Given that Mr. Fox led the settlement discussions last time and would be responsible as counsel for resolving the cases globally, my understanding was that I wasn't intended to appear—an understanding confirmed by the request that Mr. Fox made to have me in court instead, which was denied. Further, given how spiraled out of control the costs have been in this matter, and in light of the wording in the orders, I did not expect to attend and had scheduled accordingly. However, the order posted at 11:40 today indicates that "all counsel" should appear.

I can certainly cancel my other meetings and get on the train to the courthouse, but given that it will require my client to incur the cost of two counsel, not to mention counsel who has had to pay for travel and accommodations, I respectfully request that the Court clarify the same. We further request clarification as to whether Mr. Goldner should appear given the order.

Thank you to the Court for the attention to and extraordinary patience with this matter.

Respectfully,

Eleanor M. Lackman (counsel in 2019 case)



Eleanor M. Lackman (she/her) | Partner

Co-Chair, Intellectual Property Group

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From: Diljah Shaw <Diljah_Shaw@nysd.uscourts.gov>
Sent: Monday, November 18, 2024 12:08 PM
To: Heather Kyles <hkyles@gerardfoxlaw.com>; McGuinness, Christie R. <christie.mcguinness@saull.com>; Kathryn Lunn <klunn@gerardfoxlaw.com>
Cc: Lackman, Eleanor <eml@msk.com>; Gerard Fox <gfox@gerardfoxlaw.com>; Perdomo Klukosky, Francelina M. <Francelina.PerdomoKlukosky@saull.com>
Subject: [EXTERNAL] RE: Norris v. Goldner, et al.

Thank you for confirming his attendance.

Thank you,

Diljah Shaw
Courtroom Deputy to the Hon. Sarah Netburn
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007
Office: 212-805-4540
diljah_shaw@nysd.uscourts.gov

From: Heather Kyles <hkyles@gerardfoxlaw.com>
Sent: Monday, November 18, 2024 11:47 AM
To: Diljah Shaw <Diljah_Shaw@nysd.uscourts.gov>; McGuinness, Christie R. <christie.mcguinness@saull.com>; Kathryn Lunn <klunn@gerardfoxlaw.com>
Cc: Eleanor Lackman <eml@msk.com>; Gerard Fox <gfox@gerardfoxlaw.com>; Perdomo Klukosky, Francelina M. <Francelina.PerdomoKlukosky@saull.com>
Subject: RE: Norris v. Goldner, et al.

CAUTION - EXTERNAL:

Hello,
Mr. Fox, who respects the court, flew in late last night arriving at 1am. He will be attending in

person.

Heather Kyles

Executive Assistant to Gerard Fox

GERARD FOX LAW P.C.

1880 Century Park East

Suite 1410

Los Angeles, Ca 90067

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T: (310)441-0500

F: (310)441-4447

From: Diljah Shaw <Diljah_Shaw@nysd.uscourts.gov>

Sent: Monday, November 18, 2024 8:42 AM

To: McGuinness, Christie R. <christie.mcguinness@saoul.com>; Kathryn Lunn
<klunn@gerardfoxlaw.com>

Cc: Eleanor Lackman <eml@msk.com>; Gerard Fox <gfox@gerardfoxlaw.com>; Heather Kyles
<hkyles@gerardfoxlaw.com>; Perdomo Klukosky, Francelina M.
<Francelina.PerdomoKlukosky@saoul.com>

Subject: RE: Norris v. Goldner, et al.

" Warning, External Sender"

Please see the attached order.

Further, please provide Mx. Norris' number.

Thank you,

Diljah Shaw

Courtroom Deputy to the Hon. Sarah Netburn

United States District Court

Southern District of New York

40 Foley Square

New York, NY 10007

Office: 212-805-4540

diljah_shaw@nysd.uscourts.gov

From: McGuinness, Christie R. <christie.mcguinness@saoul.com>

Sent: Monday, November 18, 2024 9:08 AM

To: Diljah Shaw <Diljah_Shaw@nysd.uscourts.gov>; Kathryn Lunn <klunn@gerardfoxlaw.com>

Cc: Eleanor Lackman <eml@msk.com>; Gerard Fox <gfox@gerardfoxlaw.com>; Heather Kyles <hkyles@gerardfoxlaw.com>; Perdomo Klukosky, Francelina M. <Francelina.PerdomoKlukosky@saul.com>
Subject: RE: Norris v. Goldner, et al.

CAUTION - EXTERNAL:

Good Morning Ms. Shaw,

Hope all's well. Would it be possible to have a dial-in circulated so that Mx. Norris may participate in the Status Conference scheduled for later this afternoon?

Best Regards,

Christie McGuinness

Christie R. McGuinness
Associate
SAUL EWING LLP | New York
Office: [\(212\) 980-7205](tel:(212)980-7205)

From: Diljah Shaw <Diljah_Shaw@nysd.uscourts.gov>
Sent: Monday, September 23, 2024 2:26 PM
To: Kathryn Lunn <klunn@gerardfoxlaw.com>
Cc: McGuinness, Christie R. <christie.mcguinness@saul.com>; Eleanor Lackman <eml@msk.com>; Gerard Fox <gfox@gerardfoxlaw.com>; Heather Kyles <hkyles@gerardfoxlaw.com>
Subject: RE: Norris v. Goldner, et al.

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Good afternoon all,

A settlement conference is scheduled for Wednesday, September 25, 2024, at 2:00 p.m. and will be held telephonically. The Court will provide dial-in information by email before the conference. An order with this date and time will be filed shortly. Please note the conference will be fully remote. No one is required to enter the courtroom.

Thank you,

Diljah Shaw
Courtroom Deputy to the Hon. Sarah Netburn

United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007
Office: 212-805-4540
diljah_shaw@nysd.uscourts.gov

From: Kathryn Lunn <klunn@gerardfoxlaw.com>
Sent: Monday, September 23, 2024 12:58 PM
To: Diljah Shaw <Diljah_Shaw@nysd.uscourts.gov>
Cc: McGuinness, Christie R. <christie.mcguinness@saoul.com>; Eleanor Lackman <eml@msk.com>; Gerard Fox <gfox@gerardfoxlaw.com>; Heather Kyles <hkyles@gerardfoxlaw.com>
Subject: Norris v. Goldner, et al.

CAUTION - EXTERNAL:

Diljah,

Our office represents Goldner and the Golden Bell entities. Ms. Lackman forwarded your earlier email. Please be advised that Mr. Fox is not available before 2pm ET on Wednesday.

Additionally, this is to inform you that Mr. Goldner will appear in person on Wednesday, but Mr. Fox (counsel) and Ms. Korsen (of Golden Bell) will need to appear telephonically. Can you kindly provide a dial in number for the conference?

Thank you,
Kathy

Kathryn Lunn
Of Counsel
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